IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 803 of 1985

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
MAHENDRABHAI NAGESHWAR SHUKLA & 3 - Defendant(s)

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Appearance :
MS JYOTI MEHTA for MR HARDIK C RAWAL for Appellant
None for Respondents : 1 - 3.
None for Respondent: 4,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 09/07/2007

ORAL JUDGMENT

1. Ms. Jyoti Mehta, under the authority of Shri H.C.Raval, learned counsel for the appellant;

none for the respondents.

2. The appellant-Gujarat State Road Transport Corporation, being aggrieved by the award dated 31st May, 1984 passed by the M.A.C.Tribunal [Main], Godhra in M.A.C. Petition No. 658 of 1983, is before this Court with a submission that the learned Tribunal erred in holding that the age of the deceased was 23 years, while, in fact, his age was 32 years. It was also argued that there is no evidence in relation to the income of the deceased and under the circumstances, the Tribunal could not award huge amount in favour of the dependents.

3. It is to be seen from the records that the Tribunal made the award in sum of Rs. 1,30,100/- but the appeal is confined to Rs. 80,000/- only, meaning thereby that the appellants is not challenging the accident, negligence, rashness and its liability to pay. As the appellant is not challenging the above referred liability, this Court is not required to detail the facts unnecessarily.

4. The sole question argued by Ms. Mehta is that

the income could not be assessed at Rs. 650/- per month and under the circumstances, the award suffers with the vice of excessiveness.

5. In para-24 of the judgment, the learned Tribunal, after referring to exhs. 21 and 22 has come to a conclusion that for a period of almost about eight months, income of the deceased was Rs. 4566/- per year or Rs. 574.75 ps. per month. The future prospects have been taken to be Rs. 80/- only, while in fact, the future prospects could be much more. Be that as it may. In the opinion of this Court, the Tribunal had applied the miser's approach in coming to a conclusion that the monthly income of the deceased could be Rs. 650/-.

6. Out of that amount, the Tribunal has reasonably deducted Rs. 150/- as personal expenses of the deceased and has rightly held the dependency to be Rs.500/-.

7. So far as the age of the deceased is concerned, even if I hold that the age of the deceased was 32 years, the same is not going to make much difference, because, even for a person aged

about 32 years, multiplier of 18 can reasonably be applied. Assuming multiplier of 16 or 17 is applied, the total deduction would be somewhere between Rs.6,000/- to Rs.10,000/-. For such small amount, the High Court is not required to interfere in the matter.

8. The appeal deserves to and is accordingly dismissed. Interim relief, if any, is vacated. No costs.

[R.S. GARG, J.]

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